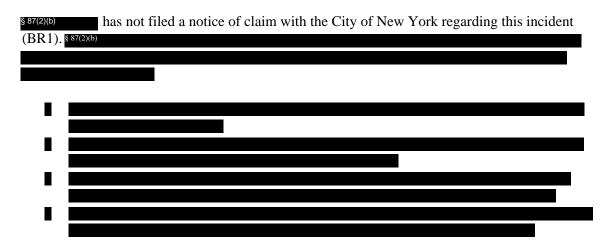
# CCRB INVESTIGATIVE RECOMMENDATION

Investigator:	Te	eam:	CCRB Case #:	✓ Force	☑ Discourt.	U.S.
Simon Wang	Sq	uad #2	201500767	☐ Abuse	O.L.	✓ Injury
Incident Date(s)	Lo	ocation of Incident:	·	Precinct:	18 Mo. SOL	EO SOL
Wednesday, 07/30/2014 8:55 PM	М			79	1/30/2016	1/30/2016
Date/Time CV Reported	C	CV Reported At: How CV Reported:		ed: Date/Tir	ne Received at CC	RB
	Pr	ecinct	Mail	Tue, 02/	03/2015 10:58 AN	1
Complainant/Victim	Туре	Home Add	ress	•		
Witness(es)		Home Add	ress			
Subject Officer(s)	Shield	TaxID	Command			
1. POM Michael Iovine	11215	945212	79 PCT			
2. SGT David Leonardi	04982	930557	079 PCT			
Witness Officer(s)	Shield No	Tax No	Cmd Name			
1. POM Eduardo Cornejo	13722	936390	079 PCT			
2. POF Pamela Benites	13086	946728	079 PCT			
3. POM Terrence Howard	10504	950599	079 PCT			
4. POM Adam Dumelle	07474	948001	079 PCT			
Officer(s)	Allegation			In	vestigator Recor	nmendation
A.SGT David Leonardi	Discourtesy	Sgt. David Leona	rdi spoke rudely to and 8 87(2)(b)	7(2)		
B.POM Michael Iovine	Force: PO Michael Iovine used a chokehold against \$ 37(2)					
C.POM Michael Iovine	Force: PO M	lichael Iovine restr	ricted the breathing of	of § 87(2)		

## **Case Summary**

On July 30, 2014, at approximately 8:55 p.m., §87(2)(b) was sitting in the courtyard area
outside of \$87(2)(b) in Brooklyn when Sgt. David Leonardi, PO Pamela Benites, PO
Eduardo Cornejo, PO Michael Iovine and PO Adam Dumelle approached her, and attempted to
place her under arrest. § 87(2)(b) admittedly refused to be arrested. Sgt. Leonardi and PO
Benites grabbed her arms, and \$87(2)(b) admittedly pulled her arms away from the officers,
flailed her arms and "fought" with the officers. Sgt. Leonardi allegedly said, "Didn't we tell you
to put your fucking hands up?" (Allegation A) PO Iovine allegedly placed his arms around
s neck, and pressed his forearm against her throat (Allegation B and C). § 87(2)(b)
said, "I can't breathe, I can't breathe." Sgt. Leonardi allegedly told \$87(2)(b) "Shut the fuck
up." §87(2)(b) placed her hands in between her legs to avoid being handcuffed. A crowd
gathered and began yelling to the crowd that \$87(2)(b) was "sickly." Sgt. Leonardi allegedly
responded by yelling, "She's a piece of shit." He also allegedly yelled at the crowd to "Back the
fuck up." § 87(2)(b) was arrested for sale of narcotics though she denied that any narcotics
were found. \$87(2)(b) suffered scratches on her knuckles and elbows from being on the
ground, but she refused medical treatment.

#### **Mediation, Civil and Criminal Histories**



#### Civilian and Officer CCRB Histories

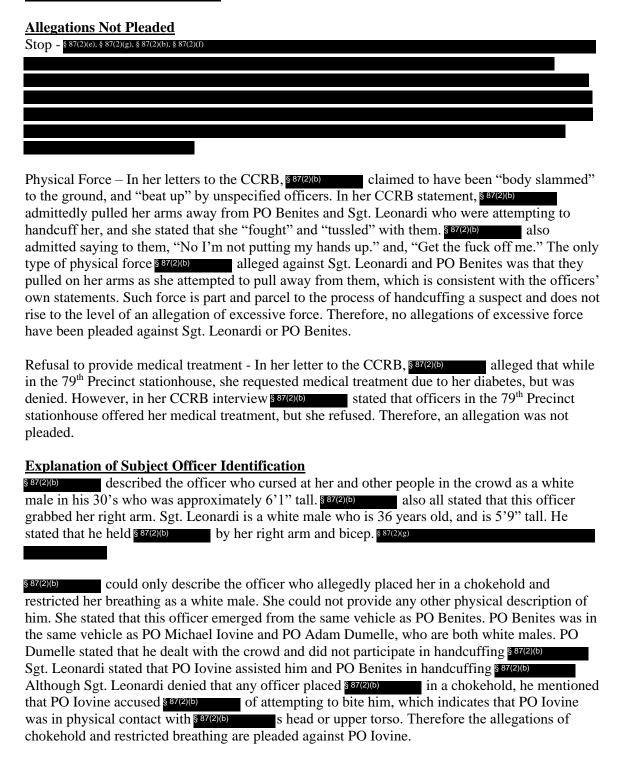
This is the first CCRB complaint filed by § 87(2)(b)	and § 87(2)
This is the first CCRB complaint filed by \$87(2)(6)	and § 87(2)

Sgt. Leonardi has been a member of the NYPD for 12 years, has had 57 prior CCRB allegations, involving 22 prior CCRB complaints (BR3). The following allegations were substantiated:

- In CCRB case number 200410123, an allegation of property damage was substantiated and he received a command discipline
- In CCRB case number 201107817, allegations of stop, frisk and search were substantiated and he received instructions
- In CCRB case number 201310961, allegations of refusal to process civilian complaint and frisk were substantiated. The board recommended command discipline against him.
- In CCRB case number 201401016, an allegation of strip search was substantiated and the board recommended charges against him.

Page 2 CCRB Case # 201500767 • In CCRB case number 201408861, an allegation of strip search was substantiated and the board recommended charges against him.

## **Finding and Recommendations**



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# Recommendations

Allegation A - Sgt. David Leonardi spoke rudely to 887(2)(b)
and \$87(2)(b) alleged that after she refused to put her hands up and actively resisted arrest, Sgt.  Leonardi said to her, "Didn't we tell you to put your fucking hands up?" When \$87(2)(b) said that she could not breathe because she was being choked, Sgt. Leonardi allegedly told to her, "Shut the fuck up." \$87(2)(b) further alleged that after a crowd of her friends and family, including \$37(2)(b) and \$37(2)(b) gathered, Sgt. Leonardi allegedly said to them, "She's a piece of shit." And "Back the fuck up." \$87(2)(b) also alleged that while being transported to the 79 <sup>th</sup> Precinct stationhouse, Sgt. Leonardi reprimanded \$87(2)(b) for selling drugs and stated, "Your children are bastards." Despite numerous phone calls, letters and contacts to their family members, \$87(2)(b) and \$87(2)(b) and \$87(2)(b) could not be contacted for this investigation. \$87(2)(b) who was in the crowd at some point in the incident stated that she "had words" with an unidentified uniformed officer but did not recall any officer cursing at her or the crowd (BR7). All of the officers denied cursing or stated that they did not recall hearing any cursing by any of the officers on scene.
§ 87(2)(g)
Allegation B - PO Michael Iovine used a chokehold against \$57(2)(5)  Allegation C - PO Michael Iovine restricted the breathing of \$57(2)(5)  alleged that PO Iovine wrapped his arms around her neck and pressed his forearm against her throat, restricting her breathing. She called out "I can't breathe, I can't breathe." ceased resisting arrest at this point and the chokehold was released. \$57(2)(5)  ceased resisting arrest at this point and the chokehold was released. \$57(2)(5)  claim to have suffered any injury as a direct result of the chokehold. \$57(2)(5)  stated that she refused offers of medical treatment because she did not wish to cooperate with any of the police officers. \$57(2)(5)  s pre-arraignment screening form at Brooklyn Central Booking contained no mention of being placed in a chokehold. On August 2, 2014, \$57(2)(5)  received medical treatment while in the custody of the Department of Corrections for diabetes related issues and her medical records contained no mention of a chokehold. All of the officers interviewed denied that anyone placed \$57(2)(5)  in a chokehold. PO Cornejo stated that people in the crowd were yelling, "She \$57(2)(5)  can't breathe!" But all of the other officers denied hearing \$57(2)(5)  say, "I can't breathe."  PO Michael Iovine resigned from the NYPD on December 11, 2014, (BR8) which was two months before this complaint was received at the CCRB. Therefore PO Iovine could not be interviewed for this investigation. As of May 22, 2015, PO Iovine has not returned to the NYPD.

Pod: <u>2</u>		
Investigator:Signature	Simon Wang Print	05/22/15 Date
Supervisor: Title/Signature	Print	Date
Reviewer:Title/Signature	Print	Date
Reviewer:	- Print	 Date